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# PRO BONO & HUMAN RIGHTS ALERT

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### 7TH ANNUAL NATIONAL SCHOOLS MOOT COURT COMPETITION 2017

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# 7TH ANNUAL NATIONAL SCHOOLS MOOT COURT COMPETITION 2017

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Annually, hundreds of high school learners participate in the National Schools Moot Court Competition (the Competition). The Competition is a joint initiative by the Department of Basic Education, the Department of Justice and Constitutional Development, the South African Human Rights Commission (SAHRC), the Foundation for Human Rights and the University of Pretoria that first began in 2011.

Learners from all secondary schools in the country are encouraged to participate in the Competition, which involves two stages – an essay writing elimination round and various oral rounds culminating in a final round in which the eight finalists argue before a panel of adjudicators in the Constitutional Court. The Competition's main objective is to bring greater awareness in schools and communities about the Constitution and the values that it embodies - values that should underpin every legal and social decision made in the country. It also seeks to encourage learners to pursue careers in law.

Cliffe Dekker Hofmeyr (CDH) has been heavily involved in the Competition since 2014. In addition to providing support, CDH sponsors the four winners with bursaries for their first year of study should they wish to study law. CDH also plays an empowering and equipping role in the national rounds of the Competition. We have also been working on a draft manual that we hope will provide a helpful basic resource for all learners who participate in the Competition going forward.

On 4 October 2017, as part of an intensive few days programme for the national rounds, we hosted all 74 learners participating in these rounds at a seminar held at our Sandton offices, together with their educators. A range of speakers from the legal profession presented at the seminar. Shane Johnson,

Neil Comte and Mashudu Thidiela of CDH spoke to the learners about the profession in general and what it means to be an attorney. Renowned Advocates Benny Makola and Tembeka Ngcukaitobi from the Johannesburg Bar had an interactive discussion in the form of an interview regarding the role of advocates in the profession. Professor Kok, the Deputy Dean of the University of Pretoria Law School, addressed the learners on academia as a career path and how academia is essential to the legal profession. Commissioner Ameerma, from the SAHRC, addressed the students on the importance of the SAHRC and other Chapter 9 Institutions. The learners also enjoyed a moot demonstration by the Mooting Club from the University of Pretoria. A previous finalist (who is also one of the eight participants in the SA national team that went on to win the 2016 International School Moot Court Competition in the Hague) Shandré Smith, and who is currently pursuing law at the University of the Witwatersrand, shared her experiences with the learners and also gave some sage advice. To end the evening, Justice Madlanga, a justice of the Constitutional Court, addressed the learners on transformative constitutionalism. His keynote address was a highlight for many learners.

[Click here to watch his keynote address.](#)

# 7TH ANNUAL NATIONAL SCHOOLS MOOT COURT COMPETITION 2017

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Later on in the week, practitioners from CDH assisted with adjudicating the quarter- and semi-finals, which were held at the University of Pretoria. The finals took place in the Constitutional Court on Sunday, 8 October 2017, before an eminent bench of adjudicators, including Justice Mojapelo (Deputy Judge President of the South Gauteng High Court), Commissioner Majola (Chairperson of the SAHRC) and Justices Kollapen and Kathree-Setloane, both currently acting as Justices of the Constitutional Court.

The four winners of the Competition are grade 10 and 11 learners, Qhayiya Mayinje and Kian Terwin, a team from Beaconhurst School in East London) and Sibulele Mbambi and Athenkosi Mthiya (from Holy Cross High School, also in the Eastern Cape).

Qhayiya describes his experience as an 'eye-opener' – as something he needed to experience. He has always wanted to pursue a career in law and participating in the Competition gave him an important opportunity to get a glimpse of what a career in law might be like. Qhayiya felt alive every time he was called up to speak and answer questions. He is of the view that as the Competition grows, it will help produce a generation of better attorneys, advocates and judges who are legally and ethically driven.

Kian's experience was 'like no other'. In his words, 'the last day was a very nerve-racking and exciting day as we got to go to the Constitutional Court and argue in the finals. All in all one of the happiest moments of my life was when the judge said he rules in favour of the respondent (our side). It was an amazing feeling to

know that all the hard work had finally paid off and then when I was called up as best oralist that was just an added excitement to the immense gratification the Competition brought.'

Sibulele has learnt that when you make a legal argument, you have to substantiate it with precedent – something he did not know before the Competition. He has learnt so much about the law and the legal profession. He is grateful that the Competition has opened his mind and broadened his knowledge. It has also taught him about his rights and responsibilities – for example, freedom of expression, as this year's hypothetical case was based on freedom of expression. Overall, he was thrilled to have argued in the Constitutional Court and to have been referred to as 'counsel'. He has always known that he wants to be a lawyer and the Competition cemented that for him. He encourages learners to participate in the Competition, as it is a worthwhile experience.

As Athenkosi reflects on her experience, she has discovered that this Competition has played a role in her finding herself. She reflects on how winning the Competition is proof that your capabilities are not determined by where you come from, rather by how much effort you put into making things happen for yourself. She was also able to explore her interest in the law and the Constitution further. She describes winning the Competition as an overwhelming achievement that has made everyone proud.

*Nonhlanhla Mohlaba,  
overseen by Jacquie Cassette*

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**BBBEE STATUS: LEVEL THREE CONTRIBUTOR**

Cliffe Dekker Hofmeyr is very pleased to have achieved a Level 3 BBBEE verification under the new BBBEE Codes of Good Practice. Our BBBEE verification is one of several components of our transformation strategy and we continue to seek ways of improving it in a meaningful manner.

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